

Remarks

Upon entry of the foregoing amendment, claims 1, 2, 4-8, and 10-26 are pending in the application, with claims 1, 16, and 23 being the independent claims.

Rejections Under 35 U.S.C. §103(a)

Rejection of Claims 1-5, 7, 9, 11, 12, 16-21, and 23

Claims 1-5, 7, 9, 11, 12, 16-21, and 23 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Publication No. 2003/0052819 (Jacomb-Hood et al) in view of U.S. Patent No. 6,078,800 (Kasser et al). The rejection is respectfully traversed.

The Examiner acknowledges that Jacomb-Hood does not teach the following features of claim 1:

- (a) "configuring the satellite to transmit a copy of the signal in a second beam selected to contain a remote monitoring station for monitoring the copy" and
- (b) "wherein the copy is transmitted in the second beam in a channel different from that used for user data transmission to user terminals in the second beam."

Final Rejection, p. 3.

The Examiner argues that

it would have been obvious to one of ordinary skills in the art at the time of invention to modify the apparatus of Jacomb-Hood et al to include copy of the signal as taught by Kasser in order to control signals thereby reducing RF interference exploiting the fact of the simultaneous presence of the same signal, as taught by Kasser in column 1, lines 53-57.

Id.

Applicant respectfully disagrees for the reason that Kasser does not teach either of the claimed features (a) and (b).

1. Kasser does not teach (a second satellite beam containing) a remote monitoring station for monitoring a copy of a satellite signal. The technique described by

Kasser is not for satellite monitoring, which is the subject matter to which the claimed invention is directed. Rather, Kasser is concerned with interference cancellation. Kasser purports to achieve interference cancellation by (i) receiving a wanted signal together with an interfering signal via a first path V1, (ii) receiving a delayed duplication of the interfering signal via a second path V2, and (iii) subtracting the delayed duplication of the interfering signal from the signal received via the first path V1 to obtain the wanted signal free of interfering signal.

No remote monitoring station is used in Kasser's system. Furthermore, the delayed duplication of the interfering signal is only suitable for canceling interference caused by the original interfering signal, but is in no way suitable for monitoring satellite transmission.

2. Kasser does not teach transmission of a copy of a (satellite) signal. The "interfering signal" (transmitted together with the wanted signal) in Kasser's system is not a satellite signal transmitted by a satellite in a first (satellite) beam. Instead, it is a terrestrial RF signal transmitted by a base station S2.

The "delayed duplication signal" is not necessarily a copy of the interfering signal. It is explicitly stated as being similar to the interfering signal (column 2, lines 43-46). Even if the "delayed duplication signal" is seen as a copy of the interfering signal, it is still clearly different from a copy of a satellite signal transmitted by a satellite in a second beam.

3. Kasser does not teach transmitting a copy of a satellite signal in a different channel. There is no indication in Kasser that the second path V2 discussed can be equated with a satellite beam. Even if one were to consider the second path V2 as a satellite beam, Kasser still falls short of disclosing transmitting a copy of a satellite signal in a channel different from that used for user data transmission to user terminals in a second beam.

Indeed, there is no discussion whatsoever in Kasser about channels used for user data transmission to user terminals in the second path V2.

In view of the above differences, a person of ordinary skill in the art could not have meaningfully combined the teaching of Jacomb-Hood and that of Kasser. Even if he were to somehow combine these two documents, he would not have arrived at the claimed invention.

Therefore, the subject matter of claim 1 would not have been obvious over Jacomb-Hood in view of Kasser.

Claims 2-5, 7, 9, 11, and 12 depend directly or indirectly from claim 1. These claims are patentable over Jacomb-Hood in view of Kasser for at least the same reasons that claim 1 is patentable, and further in view of their own distinctive features.

Independent claims 16 and 23 contain analogous features to claim 1 as discussed in detail above. Claims 16 and 23 are patentable over Jacomb-Hood in view of Kasser for at least the same reasons that claim 1 is patentable, and further in view of their own distinctive features.

Claims 17-21 depend directly or indirectly from claim 16. These claims are patentable over Jacomb-Hood in view of Kasser for at least the same reasons that claim 16 is patentable, and further in view of their own distinctive features.

Reconsideration and withdrawal of the rejection of claims 1-5, 7, 9, 11, 12, 16-21, and 23 is respectfully requested.

Rejection of Claims 6, 8, 13, 14, 15, and 22

Claims 6, 8, 13, 14, 15, and 22 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Jacomb-Hood and Kasser in view of Barrett et al. (U.S. Patent No. 6,965,755). This ground of rejection is respectfully traversed.

In section 5 of the Office Action, the Examiner makes the following argument:

Regarding Claim 6, Jacomb-Hood et al teach the method of claim 5, wherein the copy of the signal and the copy of the further signal are transmitted in a channel reserved except for monitoring by the remote monitoring station. However Barrett teach a remote monitoring station for (column 4, lines 5-11, see figures 1, 3). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the apparatus of Sharon to include monitoring station for monitoring the copy as taught by Barrett in order to control signals thereby high quality output signal, as taught by Barrett in column 2, lines 45-50. (Emphasis in original.)

Final Rejection, p. 7.

Similar arguments are made with respect to claims 8, 13, 14, 15, and 22.

The Examiner did not identify the Sharon reference in his statement of rejection under Section 103(a). Applicant does not follow any reasoning by the Examiner as to how the Sharon patent is applied to reject the claims. Therefore, Applicant is unable to respond effectively to this ground of rejection.

To the extent that the rejection may be based primarily on Jacomb-Hood in view of Kasser, Applicant submits that Claims 6, 8, 13, 14, 15, and 22 are patentable for at least the same reasons that parent claims 1 and 16 are patentable. Claims 6, 8, 13, 14, and 15 depend from claim 1; claim 22 depends from claim 16. Barrett contains no teaching or suggestion that would overcome the deficiencies of Jacomb-Hood in view of Kasser with respect to the herein claimed invention. Therefore, claims 6, 8, 13, 14, 15, and 22 are patentable over the combination of Jacomb-Hood, Kasser, and Barrett for at least the same reasons that claims 1 and 16 are patentable, and further in view of their own distinctive features.

If the Examiner intends to rely on Sharon, it is requested that he withdraw the current Action and issue a new, corrected action that clearly explains his reliance on Sharon.

For the foregoing reasons, reconsideration and withdrawal of the rejection of claims 6, 8, 13, 14, 15, and 22 is respectfully requested.

Rejection of Claims 10

Claim 10 has been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Jacomb-Hood and Kasser in view of Armbruster et al. (U.S. Patent No. 5,710,971). This ground of rejection is respectfully traversed.

Claim 10 depends from claim 1. For the reasons set forth above, it is clear that claim 1 is patentably distinguished over Jacomb-Hood in view of Kasser. Armbruster contains no teaching or suggestion that would overcome the deficiencies of Jacomb-Hood in view of Kasser with respect to the herein claimed invention. Therefore, claim 10 is patentable over the combination of Jacomb-Hood, Kasser, and Armbruster for at least the same reasons that claim 1 is patentable, and further in view of its own distinctive features.

For the foregoing reasons, reconsideration and withdrawal of the rejection of claim 10 is respectfully requested.

Rejection of Claims 24-26

Claims 24-26 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Jacomb-Hood and Kasser in view of Ceresoli et al. (U.S. Publication No. 2004/0127192). This ground of rejection is respectfully traversed.

Claims 24-26 depends from claim 1. For the reasons set forth above, it is clear that claim 1 is patentably distinguished over Jacomb-Hood in view of Kasser. Ceresoli contains no teaching or suggestion that would overcome the deficiencies of Jacomb-Hood in view of Kasser with respect to the herein claimed invention. Therefore, claims 24-26 are patentable over the combination of Jacomb-Hood, Kasser, and Ceresoli for at least the same reasons that claim 1 is patentable, and further in view of their own distinctive features.

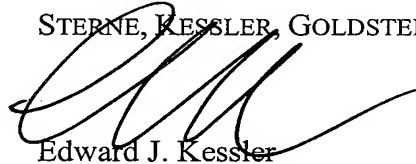
For the foregoing reasons, reconsideration and withdrawal of the rejection of claims 24-26 is respectfully requested.

Conclusion

Prompt and favorable consideration of this Preliminary Amendment is respectfully requested. Applicant believes the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read 'E. J. Kessler', is written over the printed name.

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